



Maine's Workforce Investment Act Strategic Plan Modification for the period of July 1, 2012 – December 31, 2012

Submitted to the United States Department of Labor – Employment and Training
Administration

By
Governor Paul R. LePage

Prepared by the
Maine Jobs Council/State Workforce Investment Board
Maine Department of Labor

This Modification responds to three state level statutory changes passed by the Maine Legislature for enactment. Additional information contained in the current plan provides the complete picture of Maine's Workforce Investment Act Strategic Plan, and can be viewed at;

www.state.me.us/labor/mjc/documents/strategicplan07.pdf

Maine's Workforce Investment Act Strategic Plan Modification can be viewed at:

<http://www.maine.gov/tools/whatsnew/index.php?topic=Labor+Press+Releases&id=370981&v=MJCArticle>

Table of Contents

1. Name Change	3
2. Membership Composition	4
3. Committees	9

1. Name Change

Changing the name of the Maine Jobs Council to the State Workforce Investment Board

Current Name

Currently, the *Maine Jobs Council* is the name of the entity that carries out all the duties and responsibilities of the State Workforce Investment Board. According to Maine Revised Statutes Annotated (MRSA) Title 26, Chapter 25, § 2006, 1.A (PL1987, c.466, @1 (rpr):

§2006. Establishment of Maine Jobs Council

1. Responsibilities. The Maine Jobs Council is established to ensure that the State's workforce development system helps Maine people and businesses compete successfully in the global economy. Specific responsibilities include but are not limited to:

A. Performing all of the duties and responsibilities of the state board as defined in the Workforce Investment Act, 29 United States Code, Section 2801, including, but not limited to, the duties and responsibilities set forth in subsection 5-D; [2003, c. 114, §10 (amd) .]

New Name

In accordance with Legislative Document (LD) 1874, passed for enactment by the Maine State Legislature on April 4, 2012, the Maine Jobs Council, which serves as Maine's State Workforce Investment Board, is now renamed the *State Workforce Investment Board*.

The name change is reflected as an amendment to PL 1987, 26 MRSA Ch 26, § 2006 striking all references in the statute to Maine Jobs Council, replaced with underscored references to the State Workforce Investment Board.

For example:

Sec. 1. 26 MRSA §2004-A, sub-§1, as enacted by PL 2003, c. 114, §9, is amended to read:

1. Review plans. Review plans, policies and standards proposed by a local board, the ~~Maine Jobs Council~~State Workforce Investment Board, the Governor or any other agency under the Workforce Investment Act before final approval by the responsible entity;

This change clarifies the role and authority of this Board. Its State Board functions relative to the provisions outlined in the Workforce Investment Act, Subtitle B, Section 106, Chapter 1 will remain the same. The name change has no further effect on the state's workforce investment activities nor any activities funded under the Workforce Investment Act of 1998.

2. Change in Membership Composition

Reflecting the change in state law to conform with federal law and changing the “Technical Support Group” to a “Program Policy Committee”

Current Membership Composition

According to PL 1987, 26 MRSA Ch 26, § 2006, the current membership of the Maine Jobs Council consists of members appointed by the Governor as follows:

2. Membership. The council consists of members appointed by the Governor.

A. [2009, c. 12, §1 (RP).]

B. Appointments must be consistent with the representation requirements of the Workforce Investment Act, including representatives from business and industry, organized labor, state agencies responsible for human resource programs and educational and community-based institutions.

The Governor shall ensure that the council and its technical support group have sufficient expertise to effectively carry out the duties and functions of the council.

Also:

7. Committee structure.

C. The Governor shall appoint members to a technical support group to assist the council in the performance of its duties and responsibilities. The Governor shall appoint persons to serve on the technical support group for 3-year terms. The services provided by the State's various workforce organizations must be fairly represented in the technical support group with consideration given to a balance between rural and urban interests. Organizations with representation on the technical support group may include, but are not limited to:

- (1) The local areas;
- (2) Adult education;
- (3) School-to-work;
- (4) Providers that specialize in women's workforce issues;
- (5) Rehabilitation providers;
- (6) Welfare-to-work;
- (7) The University of Maine System;
- (8) The Maine Community College System;
- (9) Career and technical education; and
- (10) The Department of Economic and Community Development, the Department of Education, the Department of Health and Human Services, the Department of Labor and the State Planning Office.

Article III, Section 3 of the current by-laws of the Maine Jobs Council state that the membership shall :

Section 3. Representation Members shall be appointed to include:

- Business owners, managers, and representatives of business organizations
- Representatives of workers, including representatives of organized labor
- County and municipal elected officials
- Representatives of Local Workforce Investment Boards
- Representatives with youth experience
- Educators and their representatives from the University, Community College System, adult education programs, and others
- The Commissioner of the Maine Department of Labor
- Representatives from the Maine Department of Economic and Community Development and the Maine Department of Education
- Representatives of nonprofit organizations involved in economic development, community development, job training, poverty reduction

At least 51% of all members should either be business people or represent the business community.

The Governor may appoint as many members as are needed to fulfill the duties of the Council, and to meet applicable federal and state laws.

New Membership Composition

In order to reflect the priority role of the business community in workforce development, new members were appointed by Governor LePage after he took office.

The new membership includes all the entities required in state and federal law. The board's bylaws will be amended to reflect these changes and requirements.

The membership composition reflects the required members in Section 111(b) of the Workforce Investment Act.

Voting Members:

- The Governor
- Twelve representatives of businesses in Maine
- Two Chief Local Elected Officials
- Two representatives of labor organizations
- Two individuals representing organizations with experience with respect to youth programs
- Two individuals with experience in the delivery of workforce investment activities, including Community Based Organizations
- One person representing State agencies and programs representing required partners, who will vote on behalf of the Program Policy Committee

Non-voting/ex officio Members:

- Four legislators, two from the Maine Senate and two from the Maine House of Representatives

Program Policy Committee Members reflect the required members in Section 121(b)(1)(B) of the Workforce Investment Act. They are representatives of:

- WIA Title I
- Wagner-Peyser
- Adult Education
- Vocational Rehabilitation
- TANF/Food Stamps
- Senior Community Service Employment Program
- Carl Perkins Vocational Education
- Community Services Block Grant Activities
- Trade Adjustment Act
- Veterans
- Housing and Urban Development
- Unemployment Insurance
- University of Maine System
- Career and Technical Education

The new Governor changed the name of the technical support group to the Program Policy Committee. LD 1874 reflects the change in two parts of the legislation:

2. Membership. The ~~council~~board consists of members appointed by the Governor.

B. Appointments must be consistent with the representation requirements of the Workforce Investment Act, including representatives from business and industry, organized labor, state agencies responsible for human resource programs and educational and community-based institutions.

The Governor shall ensure that the ~~council~~board and ~~its technical support group~~the Program Policy Committee under subsection 7 have sufficient expertise to effectively carry out the duties and functions of the ~~council~~board.

Also:

C. The Governor shall appoint members to ~~a technical support group~~the Program Policy Committee, referred to in this paragraph as "the committee," to assist the ~~council~~board in the performance of its duties and responsibilities. The Governor shall appoint persons to serve on the ~~technical support group~~committee for 3-year terms. The services provided by the State's various workforce organizations must be fairly represented in the ~~technical support group~~committee with consideration given to a balance between rural and urban interests. Organizations with representation on the ~~technical support group~~committee may include, but are not limited to ~~;~~ organizations that conduct programs or activities as specified in Section 121(b) of the Workforce Investment Act.

- ~~(1) The local areas;~~
- ~~(2) Adult education;~~
- ~~(3) School-to-work;~~
- ~~(4) Providers that specialize in women's workforce issues;~~
- ~~(5) Rehabilitation providers;~~
- ~~(6) Welfare-to-work;~~
- ~~(7) The University of Maine System;~~
- ~~(8) The Maine Community College System;~~
- ~~(9) Career and technical education; and~~

~~(10) The Department of Economic and Community Development, the Department of Education, the Department of Health and Human Services, the Department of Labor and the State Planning Office.~~

The programs and activities represented on the new Program Policy Committee are, but not necessarily limited to those specified organizations that conduct programs or activities as specified in Section 121(b) of the Workforce Investment Act:

b) One-Stop Partners.--

(1) Required partners.--

(A) In general.--Each entity that carries out a program or activities described in subparagraph (B) shall--

(i) make available to participants, through a one-stop delivery system, the services described in section 134(d)(2) that are applicable to such program or activities; and

(ii) participate in the operation of such system consistent with the terms of the memorandum described in subsection (c), and with the requirements of the Federal law in which the program or activities are authorized.

(B) Programs and activities.--The programs and activities referred to in subparagraph (A) consist of--

(i) programs authorized under this title;

(ii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

(iii) adult education and literacy activities authorized under title II;

(iv) programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(v) programs authorized under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) (as added by section 5001 of the Balanced Budget Act of 1997);

(vi) activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);

(vii) postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied

Technology Education Act (20 U.S.C. 2301 et seq.);
 (viii) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);
 (ix) activities authorized under chapter 41 of title 38, United States Code;
 (x) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);
 (xi) employment and training activities carried out by the Department of Housing and Urban Development; and
 (xii) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

(2) Additional partners.--

(A) In general.--In addition to the entities described in paragraph (1), other entities that carry out a human resource program described in subparagraph (B) may--

- (i) make available to participants, through the one-stop delivery system, the services described in section 134(d)(2) that are applicable to such program; and
- (ii) participate in the operation of such system consistent with the terms of the memorandum described in subsection (c), and with the requirements of the Federal law in which the program is authorized;

if the local board and chief elected official involved approve such participation.

(B) Programs.--The programs referred to in subparagraph (A) may include--

- (i) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);
- (ii) programs authorized under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));
- (iii) work programs authorized under section 6(o) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o));
- (iv) programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and
- (v) other appropriate Federal, State, or local programs, including programs in the private sector.

3. Committees

Adding two new standing committees in addition to the Program Policy Committee and moving the Apprenticeship Committee from the State Workforce Investment Board to the Bureau of Employment Services

Current Committees

Currently, the State Workforce Investment Board/Maine Jobs Council has the following standing committees, which are outlined by statute.

- Employment of People with Disabilities, which merged with the Commission on Disabilities and Employment, and is generally referred to under the latter title
- School-to-Work, which is usually referred to as the Youth Transitions Committee
- Women's Employment Issues Committee

Earlier this legislative session, Legislative Document 1800 was passed and enacted. In order to conform to federal requirements about state apprenticeship programs, LD 1800 addressed several needed revisions to update the Maine Apprenticeship Program and to transfer it to the Bureau of Employment Services in the Maine Department of Labor. The statute currently on the books that enables the Maine Jobs Council/State Workforce Investment Board, (MRSA) Title 26, Chapter 25, § 2006, 1.A (PL1987, c.466, @1 (rpr), contains this language:

5-A. Apprenticeship. In addition to its other duties, the council, through its Standing Committee on Apprenticeship, shall perform the duties of the former State Apprenticeship and Training Council.

LD 1800 moves the Standing Committee on Apprenticeship to the Maine Apprenticeship Program in the Bureau of Employment Services, the stricken language removes it from the 26 MRSA § 2006:

Sec. 10. 26 MRSA §2006, sub-§7, ¶A, as amended by PL 1999, c. 6, §1, is further amended to read:

A. The council shall create 4 standing committees of up to 12 members. Each standing committee may include up to 8 noncouncil members appointed by the council chair and drawn from the same constituency groups as the council's membership. The standing committees shall make recommendations to the full council. The 4 standing committees are as follows:

~~(1) Apprenticeship, with its membership specified in subsection 5-A, paragraph B;~~

Further, LD 1874, passed for enactment by the Maine State Legislature on April 4, 2012, states:

§ 2006.Establishment of State Workforce Investment Board

5-A. Apprenticeship. ~~In addition to its other duties, the council, through~~

~~its Standing Committee on Apprenticeship, shall perform the duties of the former State Apprenticeship and Training Council.~~

The stricken language removes it from 26 MRSA §2600, effectively removing it as a Standing Committee.

These provisions of LD 1800 establishes the Apprenticeship Council (formerly the Apprenticeship Committee), as a committee under the Maine Apprenticeship Program. "The department" referred to in §3209 and §3210 is the Maine Department of Labor.

§ 3209. Maine Apprenticeship Council

4. Duties. The council shall meet on a quarterly basis and shall assist and advise the department in its duties administering the Maine Apprenticeship Program with respect to:

§ 3210. State office

The department shall administer the Maine Apprenticeship Program through the Bureau of Employment Services within the department, referred to in this section as "the bureau." The bureau is the state office for the purposes of 29 Code of Federal Regulations, Parts 29 and 30.

New Committee Composition

In addition to the existing standing committees, two previously *ad hoc* committees are now standing committees:

- Older Workers
- Veterans Employment

The newly passed legislation now establishes six standing committees of the State Workforce Investment Board

LD 1874 states:

~~A. The council shall create 36 standing committees of up to 12 members. Each standing committee may include up to 8 noncouncil members appointed by the council chair and drawn from the same constituency groups as the council's membership. The standing committees shall make recommendations to the full councilboard. The 36 standing committees are as follows:~~

- ~~(2) School-to-work;~~
- ~~(3) Employment of people with disabilities; and~~
- ~~(4) Women's employment issues;~~
- ~~(5) Older workers;~~
- ~~(6) Veterans employment; and~~
- ~~(7) The Program Policy Committee.~~

The Program Policy Committee was discussed in the section of this modification addressing Membership Composition.